

FINISHING A CONTESTED DISSOLUTION

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GENERAL INFORMATION

GENERAL INFORMATION

This manual only provides very basic general information on a contested dissolution. If your case has complex issues you are encouraged to seek the advice and assistance of an attorney.

1. **WHAT IS A CONTESTED DISSOLUTION?:** A contested dissolution is one in which the parties do not agree on some or all issues that require the court to make a ruling or decide these issues.

When Respondent files a Response to the Petition for Dissolution he/she is indicating that they don't agree with some or all issues addressed in the Petition.

2. **WHAT HAPPENS AFTER RESPONDENT FILES A RESPONSE?** One of the parties must file an At-Issue Memorandum to let the court know that the case is ready to proceed to trial to resolve the issues and obtain judgment.

If neither party files the At-Issue Memorandum the case does not move forward.

3. **WHAT HAPPENS WHEN THE AT ISSUE MEMORANDUM IS FILED?:** When the At Issue Memorandum is filed with the court the parties will later receive a Notice of Trial. If there are children of this marriage, you will be required to attend Mediation Orientation and Mediation on the date/time given on the Notice of Trial.

The Mediator will meet with both parents regarding custody and visitation issues to work out a parenting plan.

The Mediator will prepare and file a report with the court.

On the date of the Trial the court will hear all unresolved issues and make orders regarding those issues.

Witnesses and evidence, if any, must be presented at that time.

4. **DECLARATION REGARDING SERVICE OF DECLARATION OF DISCLOSURE:** Both parties are required to file a preliminary and final Declaration Regarding Service of Declaration of Disclosure prior to the hearing.

Volume 4, Default Dissolution, contains a section outlining completion of this document.

Final Judgment cannot be filed without this document from BOTH parties.

5. **REPRESENTING YOURSELF:** If you are representing yourself at this trial, you should be familiar with the proceedings and pre trial filing requirements. If you have questions, you should discuss them with an attorney or the Family Law Facilitator prior to the hearing.
6. **PREPARING THE FINAL JUDGMENT:** At the hearing the Judge will instruct one of the parties to complete and submit the final judgment. You must obtain a copy of the Court Minutes from the Clerk prior to completing the final judgment. The final judgment must match the Court Minutes for the trial.

If you have difficulties completing your final judgment, please obtain the assistance of the Facilitator, attorney or legal document assistance.

To determine what forms are needed to complete the Judgment refer to Volume 4, Completing Default Dissolution, the section pertaining to Judgments provides all the forms required.

AT ISSUE MEMORANDUM

LOCAL FORM

PREPARING THE AT-ISSUE MEMORANDUM

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1. **ACCESSING THE LOCAL FORM:**

Double click on the internet icon. The computer automatically goes to the court's web site.

Click on forms. Click on local forms.
The At-Issue Memorandum is listed as a local form.

Click on At Issue Memorandum.

2. **TYPE THE DOCUMENT:** Complete the document. Make sure you list the names, addresses and telephone numbers of both parties where indicated.

3. **PRINT & REVIEW DOCUMENT:** Print the document by click on the little printer icon at the top. Ask the Clerk for the printed document.

Review the document for accuracy and make corrections, if needed.

Print the document again, if you made changes.

Sign and date on the bottom of the first page.

4. **PROOF OF SERVICE ON PAGE 2 OF AT ISSUE MEMORANDUM:** The Proof of Service by Mail located on the second page of the At Issue Memorandum must be completed by someone over the age of 18 and not a party to this action. It cannot be signed by you.

The Clerk cannot accept the At Issue Memorandum for filing unless the Proof of Service is complete.

5. **FILE THE AT ISSUE MEMORANDUM IN CLERK'S OFFICE:** Take the completed, signed and dated original At Issue Memorandum and 2 copies to the Clerk's office for filing.

The Clerk will file the original and keep it for the court file. The copies are stamped "endorsed filed" and returned to you.

6. **NOTICE OF TRIAL:** In about 30 days you will receive a Notice of Trial with your hearing date and mediation date , if applicable, in the mail.

If you do not attend the hearing (but the other party does), the court could make orders in your absence or drop the matter from calendar. You would have to re file the At Issue Memorandum, if the court dropped the matter from calendar and wait for a new trial date.

SAMPLE DOCUMENT

2 page at issue